

MAR 8 - 2019

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A MENTAL HEALTH
AND SUBSTANCE ABUSE PARITY WORKING GROUP TO DETERMINE HOW
THE STATE CAN COMPLY WITH AND EXCEED FEDERAL MENTAL HEALTH
AND SUBSTANCE ABUSE PARITY LAWS AND REGULATIONS.

1 WHEREAS, the Legislature finds that treatment for
2 behavioral health disorders in the State continues to be
3 costlier and more difficult to obtain than general medical care;
4 and

5
6 WHEREAS, different financial limits and cost-sharing
7 requirements, limits on coverage, providers, types, and duration
8 of treatment, and other provisions constrain the level and
9 quality of insured health care that is available to those with
10 behavioral health issues; and

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12 WHEREAS, pursuant to the United States Department of the
13 Treasury's interim final rules pertaining to the federal Paul
14 Wellstone and Pete Domenici Mental Health Parity and Addiction
15 Equity Act of 2008, group health plans are prevented from
16 imposing less favorable benefit limitations on mental health and
17 substance abuse disorder benefits than on medical or surgical
18 benefits; and

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20 WHEREAS, action by the State is required to achieve
21 compliance with federal rules; and

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23 WHEREAS, updating the State's parity laws to comply with
24 federal requirements presents an opportunity for the State to
25 enact and implement parity laws that are even more comprehensive
26 than the minimum required by the federal government; now,
27 therefore,

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29 BE IT RESOLVED by the Senate of the Thirtieth Legislature
30 of the State of Hawaii, Regular Session of 2019, the House of
31 Representatives concurring, that the Director of Health is



1 requested to convene a mental health and substance abuse parity
2 working group to determine how the State can comply with and
3 exceed federal mental health and substance abuse parity laws and
4 regulations; and
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6 BE IT FURTHER RESOLVED that the working group is requested
7 to include:
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- 9 (1) The Director of Health, or the Director's designee, to
10 co-chair the working group;
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- 12 (2) The Attorney General, or the Attorney General's
13 designee, to co-chair the working group;
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- 15 (3) The Insurance Commissioner, or the Insurance
16 Commissioner's designee;
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- 18 (4) A representative designated by the Governor;
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- 20 (5) A representative designated by the President of the
21 Senate;
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- 23 (6) A representative designated by the Speaker of the
24 House of Representatives;
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- 26 (7) A representative of the Alcohol and Drug Abuse
27 Division of the Department of Health;
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- 29 (8) A representative of the Adult Mental Health Division
30 of the Department of Health;
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- 32 (9) A representative of the Coalition for a Drug-Free
33 Hawaii;
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- 35 (10) A representative of Mental Health America of Hawaii;
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- 37 (11) A representative of the Legal Aid Society of Hawaii;
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- 39 (12) A representative from an entity operating a health
40 plan in the State;
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1 (13) A medical professional licensed under chapter 453,
2 Hawaii Revised Statutes;

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4 (14) A psychologist licensed under chapter 465, Hawaii
5 Revised Statutes; and
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7 (15) A clinical social worker licensed under chapter 467E,
8 Hawaii Revised Statutes; and
9

10 BE IT FURTHER RESOLVED that the initial meeting of the
11 working group be convened no later than July 1, 2019; and
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13 BE IT FURTHER RESOLVED that the working group is requested
14 to examine:
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16 (1) Special reports, including any updates to the special
17 reports, that provide an analysis of the federal Paul
18 Wellstone and Pete Domenici Mental Health Parity and
19 Addiction Equity Act of 2008 and relevant final rules;
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21 (2) Provisions in national health care reform laws and
22 regulation that affect behavioral health care,
23 including:
24

25 (A) Provisions that interact with the Mental Health
26 Parity and Addiction Equity Act of 2008; and
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28 (B) Provisions that address the issue of
29 affordability and lack of coordination of
30 behavioral health care through the establishment
31 of federally qualified behavioral health centers
32 and co-location of primary and specialty care
33 services with behavioral health services;
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35 (3) The State's role and responsibilities in implementing
36 the Mental Health Parity and Addiction Equity Act of
37 2008;
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39 (4) Areas of state law not in compliance with federal
40 mental health and substance abuse parity requirements
41 or that are in compliance but where the working group



1 sees opportunities to enhance the State's mental
2 health and substance abuse parity laws; and
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- 4 (5) Whether compliance with federal mental health and
5 substance abuse parity requirements is sufficient to
6 lower the high price of treatment for mental health
7 and substance abuse patients with insurance; and
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9 BE IT FURTHER RESOLVED that the working group is requested
10 to examine the following elements in the course of its research
11 regarding the addition or enhancement of components of the
12 State's mental health and substance abuse parity laws:
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- 14 (1) Coverage options, including mandatory coverage of
15 mental illnesses and substance abuse;
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17 (2) Definitions of covered conditions and other terms
18 necessary to implement the State's parity laws;
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20 (3) Individual and small group plans;
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22 (4) Financial and durational limits on treatment;
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24 (5) Managed care;
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26 (6) Out-of-network coverage;
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28 (7) Adequacy of network provider panels;
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30 (8) Prescription medications;
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32 (9) Specific services for serious mental illness;
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34 (10) Oversight of implementation; and
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36 (11) Independent external review of claims; and
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38 BE IT FURTHER RESOLVED that the working group is requested
39 to submit a report of its findings and recommendations of any
40 legislative or administrative action the working group deems
41 appropriate, including any proposed legislation, to the



1 Legislature no later than twenty days prior to the convening of
2 the Regular Session of 2020; and

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4 BE IT FURTHER RESOLVED that the working group be dissolved
5 on June 30, 2020; and

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7 BE IT FURTHER RESOLVED that certified copies of this
8 Concurrent Resolution be transmitted to the Director of Health,
9 Insurance Commissioner, Attorney General, Administrator of the
10 Alcohol and Drug Abuse Division of the Department of Health, and
11 Administrator of the Adult Mental Health Division of the
12 Department of Health.

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15 OFFERED BY:

